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November 20, 1995

William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Secretary,

Enclosed herewith is a statement signed by a variety of specialized land mobile communications users. These users have been meeting for the past two months to draft a document which expresses their concern about the Commission's proposal in the Report and Order in PR Docket No. 92-235 to consolidate the Private Land Mobile Radio services.

The final statement that is attached is the product of those meetings and discussions and reflects the input of all the signatories.

If you have any questions about this document please direct your inquiries to the undersigned.

Respectfully submitted,

*Lawrence R. Sidman*

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(202) 371-6240

Attachment

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## **THE PRIVATE LAND MOBILE RADIO SERVICES: THE CURRENT SYSTEM WORKS AND SHOULD BE RETAINED**

The user organizations listed below hereby urge the Commission to retain the current system for administering and licensing private land mobile radio systems in the frequency bands below 512 MHz. After extensive consideration of the matter, the undersigned have reached a consensus conclusion that the current system of separate service allocations and frequency coordination by user-representative frequency coordinators should be retained because it has worked and continues to work well, accommodates reasonably the requirements of the users, it is simple, straightforward, economical to administer, and holds, in the view of the undersigned, the best promise for the early and successful implementation of the Commission's refarming decision.

The current system of frequency allocation and assignment in the Private Land Mobile Radio ("PLMR") bands has been in place for many years and has enjoyed significant success. The present allocation and service structure is responsive to the specialized communications requirements of the various spectrum users and provides for a reasonably reliable source of frequencies. It also recognizes the important safety functions served by many private user systems, and ensures the availability of spectrum for these functions, whereas the proposed consolidation ignores the priority placed on safety by the Communications Act and the Commission's own Rules.

The two essential cornerstones of the current system are service and service-group specific allocations and representative frequency coordination. The Commission has traditionally allocated mobile radio frequencies to public safety and to other state and local governmental agencies, motor carriers, railroads, utility companies, the petroleum industry, emergency road service and alarm service, forest products, manufacturers, taxicabs and many other basic industries vital to the Nation's economy and well-being. Where appropriate, frequencies have also been allocated in pools. There are several pools below 512 MHz. The second cornerstone, representative frequency coordination, has its roots in the common-sense proposition that frequency coordinators who are knowledgeable about and representative of the users they serve facilitate effective coordination and prevent discrimination among users.

### **I. Representative Frequency Coordination**

The FCC's practice of representative frequency coordination has been in place since the late 1940's. Based on this longstanding policy, the FCC has certified one frequency coordinator per user group. The single coordinator approach has prevented applicants from "shopping" among various coordinators for a desired frequency, a practice which undermines effective spectrum management.

The value and importance of representative coordinators who are knowledgeable about the users they serve is evident in the specialized needs and functions of each user group. Only a coordinator intimately familiar with the unique characteristics of each group can effectively coordinate frequencies and fit new systems and system changes into the existing environment. Indeed, as the Commission pointed out in 1986, "having one coordinator in a radio service will substantially simplify the coordination process and will facilitate the basic

purpose of coordination, which is to maximize the quality of frequency recommendations." Frequency Coordination in the Private Land Mobile Radio Services, Report and Order in PR Docket No. 83-737, 103 FCC 2d 1093, 1121-22 (1986).

## **II. Service-Specific Allocations**

Service-specific channel allocations have been successful for many of the same reasons which dictate representative frequency coordinators. The Senate Report accompanying the Communications Amendment Act of 1982, P.L. 97-259, emphasized that the various service-specific groupings

were designed and have been administered by the FCC to provide maximum latitude in allowing government entities, large and small commercial enterprises, utilities, land transportation providers and other eligible entities to utilize the communication system best suited to their unique requirements.<sup>1/</sup>

The disparate nature of these networks demands service-specific allocations. A "one-size-fits-all" approach would not be capable of accommodating all of the differences. The present system of service-specific allocations is well suited to meet the specific communications requirements of the PLMR users. Service-specific channel allocations give frequency coordinators the control they require in order to ensure that the particular needs of the users they represent can be met with specific channel assignments.

## **III. The Commission's Consolidation Proposal**

The Commission has proposed consolidating the existing PLMR services into a small number of broad-based pools. It advanced several reasons for its decision, all of which are flawed, as the discussion below demonstrates.

First, the Commission stated its belief that the proposed pooling arrangement will eliminate "uneven" channel utilization which supposedly exists among the various user groups by facilitating the licensing of all channels which it perceives to be under-utilized. The Commission's concerns about uneven channel usage between and among the PLMR services are groundless. The data used by the Commission for its conclusion does not measure the actual number of mobiles in use, much less actual channel usage. The Commission itself has admitted that the number of mobiles per channel is "an imperfect measure of radio activity." Notice of Inquiry in PR Docket No. 91-170, 6 FCC Rcd 4126, 4128 (1991). Moreover, focussing on the number of licenses per channel is notoriously unreliable if one is interested in the actual intensity with which certain channels are used. In particular, reliance on the number of licenses per channel ignores the fact that a single licensee can load a channel with a far greater number of mobiles than several low usage licensees may achieve. Furthermore, a handful of mobile units operated by radio intensive

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<sup>1/</sup> S. Rep. No. 97-191, 97th Cong., 2d Sess. at 12 (1982).

activities may occupy the channel's airtime far more than several dozen mobile units operated in connection with activities that require only occasional radio use.

In addition, a fixation on the number of licenses per channel loses sight of other important values, such as the role played by channel allocations in meeting the safety needs of a particular user. Commission studies have acknowledged that in those services where radio has safety applications, channel availability is far "more important than the number of users that can be accommodated on a channel." Land Mobile Spectrum Utilization, Report No. SMD 77-01 (1977). This too is a factor which needs to be considered when evaluating channel distribution, but to which scant, if any, attention is paid in the Commission's decision on consolidation. The public interest is not served by blindly overloading these channels with incompatible users. Instead, it is vital that the safety nature of these channels be preserved.

Second, the Commission concluded that consolidation will result in "more efficient distribution of the additional channels." Report and Order in PR Docket No. 92-235 at ¶ 50 (June 23, 1995) (hereafter "Report and Order"). This argument is without merit. Channels were initially assigned to the individual radio services based upon an extensive public record and careful Commission deliberation in several allocation proceedings over a quarter century, from 1949 to 1970. See General Mobile Radio Services, 13 FCC 1190 (1949). It is only fair and proper that those same radio service groups -- groups now being asked to fund the creation of new channels by the purchase of narrowband equipment -- be able to capture the benefit of that investment pro rata according to the channels originally allocated for their service pool. To require that the additional channels be allocated to one or another very broad user pool would be to require one class of users to effectively subsidize the creation of new capacity for other classes of users. Such a result is not only inequitable, but would present an acutely perverse disincentive to transition to narrowband equipment -- a result at odds with the Commission's intention that consolidation will promote "more efficient" use of the spectrum.

Third, the Commission claimed that consolidation is necessary because the present interservice sharing process has "become more difficult to implement." Report and Order at ¶ 44. The Commission cited no data in support of this conclusion. Indeed, the experience of the undersigned users is that the interservice sharing system works quickly and efficiently, with a remarkably low number of complaints. Any "inconvenience" caused by having to first obtain approval for interservice sharing from the "host group" coordinator is necessary in order to preserve control over frequencies initially allocated to serve the specialized needs of the "host" user group.

If change is necessary, the value and success of the current system makes it possible and desirable to effect change within the existing regulatory framework rather than remake the entire landscape. The creation of an electronic interchange or an electronic bulletin board for the instantaneous transmission of applications, for example, would contribute to a more efficient and streamlined interservice sharing process. In addition, the expense of the interservice sharing process could be reduced if the only entity to receive a coordination fee was the coordinator granting the frequency application. The other coordinators who review

the application would receive a nominal handling or administrative fee. Lastly, the development and implementation where feasible of more rigorous and standardized technical standards for sharing would improve the certainty of the interservice sharing process and would remove any impression of arbitrariness.

Finally, the Commission's conclusion that consolidation is necessary in order for users to be able to implement spectrum efficient technology is also not warranted. Consolidation is not necessary for the development of advanced technology systems, such as time division multiple access ("TDMA") and trunking, to which the Commission makes reference. Indeed, such systems can and would be accommodated very well under the current system of separate service allocations. For example, TDMA can be implemented either within the 25 KHz channels now allocated to the various service-specific groupings, or by "stacking" four future 6.25 KHz contiguous narrowband channels, if those narrowband channels are retained within the same service. Trunked systems do not need contiguous spectrum. Experience in the 800 and 900 MHz band indicates that the trunked systems on non-contiguous channels in the 800 MHz band provide better service with less interference than the trunked systems on contiguous channels in the 900 MHz band. Other advanced technology systems can also be accommodated under the current separate service allocation regime. In fact, the development of specifically designed, advanced technology, effective land mobile communications systems would be much more likely under the current specialized service allocations than under a broad, generic frequency pooling system.

### Conclusion

The current system of frequency allocation and coordination has worked well for decades. It continues to work well. It has furthered the needs and interests of the various industry-specific services and has given them the control they need to ensure the efficient functioning of their businesses. This successful history demonstrates that the reasons which led to the creation of the current allocation and service structure are still valid. Therefore, the current system should be retained.

Respectfully submitted,

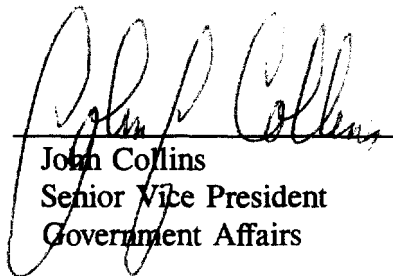
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[Signatures continued on next page]

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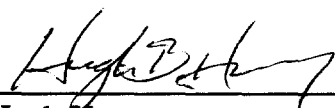
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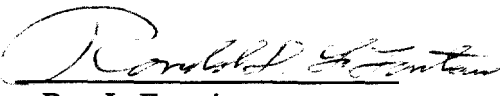
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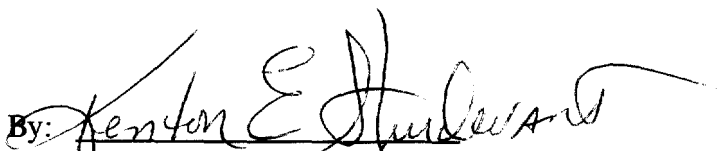
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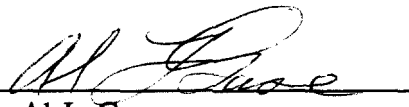
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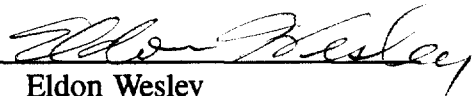
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## CERTIFICATE OF SERVICE

I, Bridget Y. Monroe, hereby certify that on this 20th day of November, 1995, copies of the foregoing "Statement" were mailed, first class postage prepaid to the following:

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